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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Phillip Potter,

No. CV-25-00016-PHX-KML

Plaintiff,

## ORDER

V.

State of Arizona, et al.,

## Defendants.

Plaintiff Phillip Potter believes Arizona's "Vexatious Litigant" statute, A.R.S. § 12-3201, violates the First and Fourteenth Amendments. (Doc. 1.) The complaint names two defendants: the state of Arizona and Arizona Attorney General Kris Mayes, in her official capacity. (Doc. 1 at 1.) The court ordered Potter to "file a statement identifying the jurisdictional basis for this suit." (Doc. 8.) Potter filed a statement indicating he "has no quarrel with dismissing the State of Arizona as a defendant pursuant to the Eleventh Amendment." (Doc. 9 at 1 n.1.) But Potter believes Kris Mayes is an appropriate defendant under the doctrine of *Ex parte Young*, 209 U.S. 123 (1908). (Doc. 9 at 8.) Potter now also argues Joseph C. Welty, the presiding judge of the Maricopa County Superior Court, and Arizona Governor Katie Hobbs are proper defendants. Those individuals are not currently defendants but Potter indicates he will amend his complaint to add them as such.

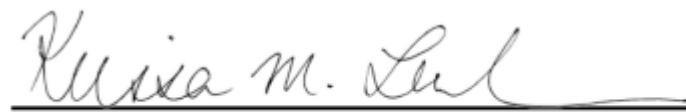
Potter's plan to amend his complaint renders it unnecessary to resolve whether the current complaint adequately establishes jurisdiction. Potter will be given until February 3, 2025, to either file an amendment as of right under Federal Rule of Civil Procedure 15(a)(1)

1 or file a motion to amend under Rule 15(a)(2). Either way, Potter must comply with Local  
2 Rule 15.1 by identifying the deletions and additions in the new complaint.

3 Accordingly,

4 **IT IS ORDERED** no later than **February 3, 2025**, Potter shall either amend as of  
5 right or file a motion to amend his complaint.

6 Dated this 22nd day of January, 2025.

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10 Honorable Krissa M. Lanham  
11 United States District Judge  
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